mance of this condition, and on demurrer it was *held,* that the legislature might legally relieve a municipal corporation from liability or impose liability upon such conditions as it should think advisable. *Schigley* v. *City of Waseca* (1908), — Minn. —, 118 N. W. 259.

A municipal corporation is a political or governmental agency of the state, and its charter being granted for the better government of the particular district, the right to insert such provisions as seem to best subserve the public interest would seem from the very nature of such an institution to be inherent. *People ex rel. Wood* v. *Draper,* 15 N. Y. 532; COOLEY, CONST. LIM., **191-193; DILLON, MUN. CORP., §§ 9, 30; ANGELL & A. PRIV. CORP., § 31. The whole matter of the maintenance of this class of actions for injuries resulting from negligence in the keeping of highways and bridges is statutory and within the control of the legislature. It can refuse a right of action against municipalities for such injuries, and it can impose any conditions precedent to the maintenance of such actions. *Curry* v. *Buffalo,* 135 N. Y. 366, 32 N. E. 80; *Thrall* v. *Cuba,* 88 App. Div. 413, 84 N. Y. Supp. 661. The question of the constitutionality of such a requirement as the one in the principal case seems to have been seldom raised, but under analogous circumstances such a statutory provision was held not to contravene the provisions of the constitutional Bill of Rights, which constitutional provision was not intended to guarantee indemnity against injury of every species, but only such as result from the invasion or infringement of a legal right or the failure to discharge a legal duty or obligation. *Goddard* v. *Lincoln,* 69 Neb. 594, 96 N. W. 273. If the right to recover for such injuries might have been withheld entirely, one seeking to recover for such injuries certainly cannot complain of the conditions with which the legislature has seen fit to accompany the right. *McMullen* v. *City of Middleton,* 187 N. Y. 37, 79 N. E. 863, 11 L. R. A. (N. S.) 391. The rules of law, like the rules of society, forbid that one should complain that a gift is less valuable than it should be.

MUNICIPAL CORPORATIONS—INJUNCTION TO RESTRAIN ILLEGAL EXPENDITURE —ACTION BY TAXPAYER.—Pursuant to a resolution of the council, the clerk of the village of Piketon was about to make an illegal application of certain of the village funds, when the complainant, a taxpayer of the village, brought this suit to restrain him from so doing. *Held,* that the complainant, as a taxpayer and property owner in the village, had sufficient interest to maintain a suit to restrain the municipal authorities from making an unauthorized expenditure of the public funds. *Pierce et al.* v. *Hagans* (1908), — Ohio —, 86 N. E. 519.

It is believed that it is now universally held that any resident or taxpayer of a municipal corporation may maintain a suit to enjoin the illegal use of corporate funds in any case where he can show that such misapplication of the funds will work special injury to him as distinguished from other residents or taxpayers. *Texarkana* v. *Leach,* 66 Ark. 40, 48 S. W. 807, 74 Am. St. Rep. 68. As to the right of a taxpayer not so specially injured to sue there is more doubt. The older doctrine, and that which is still followed by some of the states, attempts to draw an analogy between suits to restrain

illegal corporate acts and suits for the abatement of public nuisances, holding that the former, like the latter, may be maintained only by and in the name of the public authorities, unless some special interest be shown on the part of an individual. *Doolittle* v. *Supervisors of Broome County,* 18 N. Y. 155; *Merriam* v. *Yuba County Supervisors,* 72 Cal. 517. By the great weight of modern authority, however, it is held that every taxable inhabitant has such an interest in the public funds that he may sue to restrain their illegal use without showing any special injury different from that sustained by all other taxpayers. *City of Baltimore* v. *Gill,* 31 Md. 375; *City of Chicago* v. *Nichols,* 177 Ill. 97, 52 N. E. 359; *Crampton* v. *Zabriskie,* 101 U. S. 601, 25 L. Ed. 1070. In the last case the supreme court says: "Of the right of resident taxpayers to invoke the interposition of a court of equity to prevent an illegal disposition of the moneys of the county, or the illegal creation of a debt which they, in common with other property holders of the county, may otherwise be compelled to pay, there is at this day no serious question." In some jurisdictions it is held that a taxpayer may not sue on behalf of the city until after he has made a formal demand upon the proper municipal officers to act, and they have refused, or until it is shown that such demand would be fruitless. This would appear to be a wise restriction. *Davis* v. *Fogg,* 78 Ind. 301; *Beyer* v. *Crandon,* 98 Wis. 306, 73 N. W. 771.

OFFICERS—DISQUALIFICATION—PUBLICATION OF CANDIDATE'S PICTURE.—A law of the state of Washington (Laws 1907, p. 572, c. 209, § 28) relative to primary elections in terms disqualifies for public office any person who prior to the primary election shall have paid to the owner of a newspaper any sum of money for any article or published statement wherein the electors are advised to vote for such candidate, or stating his qualifications for office, or wherein his photograph or biography is published. Under this law it was sought by quo warranto to oust the respondent (lieutenant governor) from office on the ground that he, as candidate, had published his picture in a newspaper preceded by the words "Paid Advertisement" and followed by his name with the words "Candidate for the Republican Nomination for the Office of Lieutenant Governor." *Held* (RUDKIN, C.J., CHADWICK and FULLERTON dissenting), this was not a violation of the above act. *State ex rel. Coon* v. *Hay* (1909), — Wash. —, 99 Pac. 748.

The language of the act in question is just enough involved to render its interpretation a matter of some difficulty, and it is not surprising that the court divided on the question of its application to the facts in hand. We are not prepared to say that the majority view is in keeping with the spirit of the act. Nor are we satisfied that the strong dissenting opinion of Judge RUDKIN gives undue importance to the necessity of construing the enactment in a manner to subserve its purpose of preventing corrupt practice. But whether we agree with the majority that the statute disqualifies a candidate who has published his picture in the manner above set out, or with the minority that such a publication is a plain infringement of the act, the question still remains as to whether the act itself is constitutional. And in view of the fertility of recent legislation along this line, it is a question of no small